

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN FORD,

Defendant.

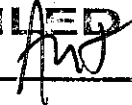
Criminal No. **05-20201 B An**

18 USC § 1951

18 USC § 1512(b)(3)

18 USC § 666

INDICTMENT

FILED BY


THE GRAND JURY CHARGES:

MAY 25 2005

INTRODUCTION

At all times relevant to this indictment:

Robert R. Di Trollo, Clerk
U. S. DIST COURT
W. D. OF TN, MEMPHIS

1. The legislative power of the State of Tennessee, under the Tennessee Constitution, is vested in the General Assembly which consists of a Senate and a House of Representatives. Together the two branches form the General Assembly of the State of Tennessee, which is also referred to as the "Legislature."

2. When the Legislature initially convenes, the first order of business is the swearing in of the members-elect, in which the two bodies of the Legislature meet in their respective chambers and members take an oath of office, swearing to support the Constitution of the United States and the Constitution of the State of Tennessee and to perform their official duties impartially and without favor or prejudice and to always protect the rights of the people.

3. In general, the functions of the Legislature are to enact, amend, and repeal the laws of Tennessee. Some of the specific powers granted to the General Assembly by the State Constitution include the appropriation of all money to be paid out of the State Treasury, and the levy and collection of taxes.

4. Legislative proposals can originate in either the Senate or the House in the form of bills, resolutions and joint resolutions. A bill is a proposed law and may be either general or local. A general bill has statewide impact. For new law to be made, it must be considered and passed. A constitutional majority is required for a new law to pass. This means that it must receive at least fifty (50) favorable votes in the House and seventeen (17) favorable votes in the Senate. Once the new law has been acted on favorably by the House and the Senate, it is then sent to the governor who can approve it by signing it, vetoing it, or letting it become law without his signature.

5. The defendant **JOHN FORD** was an elected member of the Tennessee State Senate, having been elected most recently in 2002, from the 29th Senate District, to serve during the 103rd and 104th General Assemblies, and during this period of time, was the Chairman of the General Welfare, Health, and Human Resources Committee of the Tennessee State Senate.

6. E-Cycle Management, Incorporated (hereinafter referred to as E-Cycle) was an undercover business operated by the Federal Bureau of Investigation to respond to allegations of corruption by elected officials. E-Cycle purportedly was in the business of obtaining and disposing of outdated electronic equipment, sending it to a place outside the

United States and salvaging it. E-Cycle's headquarters was represented to be in Atlanta, Georgia.

COUNT 1

From on or about April 19, 2004 and continuing thereafter until on or about April 8, 2005 within the Western District of Tennessee and elsewhere, the defendant,

-----**JOHN FORD**-----

as a Tennessee State Senator from the 29th Senate District, did knowingly and intentionally attempt to obstruct, delay, and affect commerce, by means of extortion, as "extortion" and "commerce" are defined by Title 18, United States Code, Sections 1951(b)(2) and (3), in that **JOHN FORD**, in connection with a bill to be introduced in the Tennessee State Senate, did obtain, by extortion, cash payments from and with the consent of representatives of a company known as E-Cycle Management, Inc., which payments were induced by **JOHN FORD** under color of his official right as a Tennessee State Senator and which payments were not legally due **JOHN FORD**, or his office; in violation of Title 18, United States Code, Section 1951.

OVERT ACTS

In furtherance of this attempt and to accomplish the objects of it, the defendant committed at least one of the following overt acts that constituted a substantial step toward committing the offense.

1. On or about April 19, 2004, the defendant **JOHN FORD** spoke to an individual concerning a corporation called E-Cycle Management, Incorporated. The individual explained to **JOHN FORD** that this corporation would benefit if a bill were proposed in the Tennessee

General Assembly, dealing with the disposal of outdated electronic equipment. During the course of this conversation, **JOHN FORD** stated to the individual that, "You are talking to the guy that makes the deals."

2. On or about July 17, 2004, the defendant **JOHN FORD** had a conversation in Miami, Florida with an individual representing E-Cycle, in which **JOHN FORD** indicated that it would be necessary to pay him from \$3,000 to \$5,000 dollars a month in order to gain his assistance.

3. On or about August 19, 2004, in Memphis, Tennessee, the defendant **JOHN FORD** was provided with information containing what was represented to **JOHN FORD** to be changes in state law that would be needed by E-Cycle in order for the company to profit. **JOHN FORD** was also told that the state law should be changed so that it focused on giving E-Cycle more exclusivity in being able to obtain a state contract. On this date **JOHN FORD** stated that he would be drafting and sponsoring legislation to benefit the company. **JOHN FORD** received the sum of \$10,000 in cash as two months payment for drafting the legislation.

4. On or about September 7, 2004, the defendant **JOHN FORD** caused a fax to be sent from Nashville, Tennessee to Atlanta, Georgia, to E-Cycle, concerning the draft legislation.

5. On or about September 17, 2004, in Memphis, Tennessee, the defendant **JOHN FORD** had a meeting with an individual representing E-Cycle. They discussed the bill which **JOHN FORD** was proposing, drafting, and sponsoring on behalf of E-Cycle. At this

time, defendant **JOHN FORD** received an additional \$5,000 in cash as payment for filing the bill and making sure that it passed.

6. Between September 17, 2004 and October 15, 2004, the defendant **JOHN FORD** had numerous conversations in which the details of the filing of the bill in the Senate were discussed.

7. On or about October 15, 2004, in Memphis, Tennessee, the defendant **JOHN FORD** had a conversation with a representative of E-Cycle, in which the defendant **JOHN FORD** further discussed ways in which the proposed bill could benefit E-Cycle. The defendant, **JOHN FORD** at this time received an additional \$5,000 in cash from the E-Cycle representative, in payment for **JOHN FORD's** support in drafting and sponsoring the bill.

8. On or about November 11, 2004, the defendant **JOHN FORD** had a telephone conversation with a representative of E-Cycle. When asked if he needed anything, **JOHN FORD** responded, "Yeah, send me a little money."

9. On or about November 19, 2004, the defendant **JOHN FORD** met in Memphis, Tennessee, with a representative of E-Cycle and received \$5,000 in cash as further payment for drafting, proposing and pushing in the Tennessee General Assembly the bill that would benefit E-Cycle.

10. On or about December 17, 2004, the defendant **JOHN FORD** had a conversation in Miami, Florida with a representative of E-Cycle and further discussed the timing of the bill that **JOHN FORD** was to propose in the Tennessee Senate. On this date,

in Miami, Florida, the defendant **JOHN FORD** received \$5,000 in cash from this individual for **JOHN FORD's** assistance concerning the bill.

11. On or about January 13, 2005, the defendant **JOHN FORD** filed Senate Bill 0028, in the State of Tennessee Senate. This bill was the legislation which had been discussed between **JOHN FORD** and an E-Cycle representative, and for which **JOHN FORD** had received prior payments. After filing of the bill, on January 13, 2005, **JOHN FORD** had a conversation with a person representing E-Cycle, indicating that certain co-sponsors should have been on the bill and certain language should have been included.

12. On or about January 19, 2005, the defendant **JOHN FORD** filed Senate Bill 0094 with the changes mentioned in paragraph 11. This bill was filed as a companion bill to House Bill 0038 in the Tennessee House of Representatives.

13. On or about January 31, 2005, the defendant **JOHN FORD** received a payment of \$5,000 in cash from a representative of E-Cycle. This payment was for the purpose of causing **JOHN FORD** to continue to push forward the legislation in the Tennessee General Assembly.

14. On or about February 1, 2005, the defendant **JOHN FORD** and a representative of E-Cycle had a discussion in Nashville, Tennessee concerning rescheduling consideration of the bill that **JOHN FORD** had filed. At this time **JOHN FORD** agreed to reschedule the bill to be considered in the future and received a sum of \$5,000 in cash as payment for working on the bill.

15. On or about March 10, 2005, the defendant **JOHN FORD** in Memphis, Tennessee received \$5,000 in cash from a representative of E-Cycle.

16. On or about March 16, 2005, the defendant **JOHN FORD** had a conversation with a representative of E-Cycle and was told by this individual that it would be better for E-Cycle if the bill was put on hold until the 10th or 15th of April. **JOHN FORD** stated that he could do that. **JOHN FORD** agreed to meet this individual the next day, March 17, 2005, in Nashville, Tennessee to receive a payment.

17. On or about March 17, 2005 the defendant **JOHN FORD** received \$5,000 in cash for putting the bill on hold.

18. On or about April 8, 2005, the defendant **JOHN FORD** had a conversation in Memphis, Tennessee with a representative of E-Cycle in which **JOHN FORD** was told that there was a possibility that E-Cycle would be sold and that it would be to this person's advantage to have the legislation which had been proposed, held up. **JOHN FORD** was told that the individual to whom he was speaking had a partner who was arranging the sale. After this conversation, **JOHN FORD** received the sum of \$5,000 in cash in order to delay the bill which was currently pending in the Tennessee General Assembly.

All in violation of Title 18, United States Code, Section 1951.

COUNT TWO

The grand jury further charges:

1. At all times material to this indictment:

The State of Tennessee was a state government that received federal assistance in excess of \$10,000 during the one-year period beginning April 9, 2004 up to and including April 8, 2005.

2. From on or about August 19, 2004 up to and including on or about April 8, 2005 in the Western District of Tennessee and elsewhere the defendant,

-----**JOHN FORD**-----

being an agent of the State of Tennessee did knowingly and corruptly demand for the benefit of any person and accept and agree to accept a thing of value, that is, the sum of \$55,000 in cash, intending to be influenced and rewarded in connection with business transactions of the State of Tennessee involving a value of \$5,000 or more.

In violation of Title 18, United States Code, Section 666.

COUNT THREE

On or about February 3, 2005, in the Western District of Tennessee, the defendant,

-----**JOHN FORD**-----

did knowingly intimidate, threaten, attempt to intimidate, and attempt to threaten an individual by communicating to this individual, words to the effect that, if the individual was working with the F.B.I., that the defendant, **JOHN FORD**, would shoot him. This was said with the intent to hinder, delay and prevent the communication to a law enforcement officer and a judge of the United States information relating to the commission or possible commission of a federal offense.

In violation of Title 18, United States Code, Section 1512(b)(3).

COUNT FOUR

On or about March 11, 2005, in the Western District of Tennessee, the defendant,

-----**JOHN FORD**-----

did knowingly intimidate, threaten, attempt to intimidate, and attempt to threaten an individual who was at that time an F.B.I. agent acting in an undercover capacity by indicating to this agent that, if he caught someone trying to set him up he would shoot that person, kill them, so that there would be no witnesses. This was said with the intent to hinder, delay and prevent the communication to a law enforcement officer and a judge of the United States of information relating to the commission or possible commission of a federal offense.

In violation of Title 18, United States Code, Section 1512(b)(3).

COUNT FIVE

On or about April 8, 2005, in the Western District of Tennessee, the defendant,

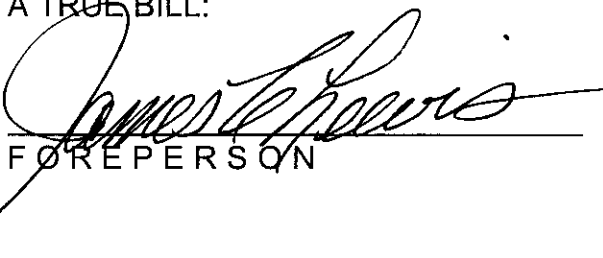
-----**JOHN FORD**-----

did knowingly intimidate, threaten, attempt to intimidate, and attempt to threaten an individual.

JOHN FORD told this individual that he wanted to make sure that both the individual and his "partner" were okay, because while he did not mind shooting the "partner", he did not want to shoot the individual to whom he was speaking. These statements were made with the intent to hinder, delay and prevent the communication to a law enforcement officer and a judge of the United States of information relating to the commission or possible commission of a federal offense.

In violation of Title 18, United States Code, Section 1512(b)(3).

A TRUE BILL:


FOREPERSON

DATED: 5-25-05


UNITED STATES ATTORNEY